IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

LEOPOLDO LEAL, As Executor
to the Estate of his Mother,
Mauricia B. Leal

Plaintiff, CIVIL ACTION NO. C-01-230

vs.

SUN EXPLORATION AND PRODUCTION
COMPANY, ORYX ENERGY COMPANY,
AND AFFILIATES

Defendants

ORDER DISMISSING CASE

On this day came to be considered Plaintiff Leopoldo Leal's (the "Plaintiff") claims in the above styled action. Upon reviewing the Complaint, Motions, and transcript of the Initial Pretrial Conference held before the Honorable B. Janice Ellington on August 15, 2-001, the Court FINDS it must DISMISS the action

for the reasons stated herein.

Plaintiff filed the instant lawsuit in the United States District Court for the Southern District of Texas, Corpus Christi Division, on May 18, 2001. On October 29, 2001, the case was transferred to this Court from the docket of the Honorable Hayden W. Head, Jr. Though this Court recognizes that plaintiff is *pro se* and, therefore, has given Plaintiff the benefit of the doubt at every turn and indulged every inference in favor of the Plaintiff, the Court comes to the inescapable conclusion that Plaintiff's claims and allegations are unintelligible. Further, even if the Court were to find that plaintiff had asserted an intelligible claim, that claim would be barred by res judicata.

1. UNINTELLIGIBILITY OF PLAINTIFF'S CLAIM

At the initial Pretrial Conference, the magistrate tried laboriously to get Plaintiff to explain his case and clarify his causes of action. This Plaintiff was unable or unwilling to do. Instead, Plaintiff asserted fanciful and virtually unintelligle claims lacking any kind of support. For example, when asked to explain what claims he was raising other than claims he had already raised in an earlier 1988 claim with the Texas Railroad Commission, Mr. Leal stated:

.....I claim that a foreign alien had come into this country and taken the inheritance of these American citizens, my inheritance, and turned over title to oil conglomerates, an alien who had no rights, based especially on his criminal background,

a man who could not vote, could not apply for citizenship, that these partitions were obtained by the defendant through fraud and concealment, and that this Mexican citizen--everything appears legitimate? They used a Mexican alien,*

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*This "Mexican illegal alien" was apparently one Esteban Garcia, a man allegedly brought to the United States from Mexico to further Defendant's scheme. (PL's Amended Compl. pp 7-9.). plaintiff explains: ,the "state court [in a partition action in the 92nd State District Court between 1936 and 1941] partitioned the lands asnd awarded title to Mexican criminal who had murdered the Mexican Chief of Police, a national hero to whom a street is named after in Reynosa, Mexico, General Heron Ramirez....(Pl's. Response in Opposition to Defendant's Motion for Summary Judgement p. 5.) Mr. Garcia also apparently murdered "an unarmed crippled man named Santos Rivera in Rio Grande City, Texas" in 1923, though it is unclear whether that fact has anything to do with Plaintiff's claims. (Pl. Amended Compl. p. 7.) they brought him from Monterrey, Mexico, him and his mom, mother, to come to Texas and claim that they owned South Texas, and that the American citizen, native American citizen who was protected by the United States Constitution, the Texas Constitution, the Texas land patent,and the Spanish land grant. The Spanish land grant was issued to residents who were residing north of the Rio Grande

back then 300 years or whatever, and not for people who were in what is now Mexico. We cannot go over there and claim their lands, because they'll shoot us, but neither can they also come across the river, as the defendant claimed, and come over here and dispossess the American citizen from his or her inheritance.(Transcript, Initial Pretrial Conference, 25:18-25, 26: 1-13.) From Defendant's Motion for Summary Judgement based on the various Statutes of Limitation issues, Defendant explains what it believes to be the issue: Plaintiff asserts title to three porciones in Starr County, Texas, based upon Spanish land grants and Texas land patents from the 1700's and 1800's claiming that Defendants fraudulently obtained land in partition actions in a time period between 1936 and 1941, (Def's Motion for Summary Judgement p. 3.) it is settled that "(i)t is the litigant's role to present their case to court, not vice versa." Carpenter v. Vaughn 888 F. Supp. 635, 648 (M.D.. Pa.. 1994). Moreover, when a party presents an issue in opaque terms, it is not necessary for the Court to address that issue. See Enplanar v. Marsh, 11 F. 3d 1284. 1297 (5th Cir.), *cert. denied,* 11 s.Ct. 312 (1994).Plaintiff has not met these basdeline requirements for bringing (and sustaining) a lawsuit in this Court.

II. RES JUDICATA

Furthermore, as indicated, *infra,* even assuming, *arguando,* that Plaintiff had asserted intelligible claims, they would be completedly barred by res judicata, as Plaintiff has brought identical claims against *the same* Defendant in an earlier case

that .was filed in the Southern District of Texas and those claims were dismissed. In order for res judicata to apply: (1) the parties must be the same in both suits; (2) the prior judgement must have been rendered by a court of competent jurisdiction. ; (3) there must be a final judgement on the merits.; and (4) the same cause of action must be involved in both cases. See United States v. Parsons, Brinkerhoff, Quade & Douglas, Inc. 860 F.Supp, 370 (S.D. Tex. 1994). Dismissal with prejudice at any stage of a judicial proceeding normally constitutes a final judgement on the merits which bars later suit on the same action. See Baris v. Sulpicio Lines, Inc., 74 F. 3d 567 (5th Cir. 1996); Astron Indus. Ass'n v. Chrysler Motors Corp., 405 F. 2d 958. 960 (5th Cir. 1968).

On August 1, 1990, Plaintiff filed a Complaint in the United States District Court for the Southern District of Texas, McAllen Division, Cause Number M-90-145 against Sun Oil Company, Oryx Energy Company, the State of Texas, the 92nd Judicial District, and Other Unknown Persons. A true

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.2. In the 1990, Plaintiffs included "Rev. Leopoldo Leal, individually and as attorney in fact for Adelmira Rios, Rev. Santana Leal, Amparo McGuire, Adelfa Hernandez, Rev. Onofre Leal, Rev. Jose Leal, and Rev. Oscar Leal, as (*) executor to the estate of his mother, Mauricia B. Leal.

[(*) This statement by the Federal District Judge Janis Graham Jack is an outright lie, and sanctions should be imposed on the judge for her prejudicial intentional misconduct.].

and correct copy of that Complaint is attached as Tab. A. On October 14, 1991, the Honorable Ricardo H. Hinojosa granted Motions to Dismiss filed by Defendant 92nd Judicial District Court, Defendant the State of Texas, and Defendant Oryx Energy Company on behalf of Sun Oil Company. A true and correct copy of the Order of Dismissal is attached as Tab B. Such dismissals are assumed to have been with prejudice unless otherwise indicated. See e.g., Taylor v. U.S. Treasury Dept. 127 F. 3d 478 n. 8 (5th Cir. 1997) citing 2 JAMES WM, MOORE ET AL., MOORE'S FEDERAL PRACTICE 12.34 [6] [a] (3d ed. 1997) ("A dismissal for failure to state a claim... [is] presumed to be with prejudice..."); see also Fernandez - Montes v. Allied Pilots Ass'n, 987 F. 2d 278. 284 n. 8 (5th Cir 1993) (" I)t is well established that a dismissal is presumed to be with prejudice unless the order explicitly states otherwise." (citing Federated Dep't Stores, Inc. v.Moitie, 452 U.S. 394, 399 n. 3, 101 S. Ct. 2424 ., 2428 n 3, 69 L. Ed. 2d 103 (1981); Weissinger v. United States,423 F. 2d 795, 798 n. 4 (5th Cir. 1970) (en banc); Lambert v. Conrad, 536 F. 2d 1183 (7th Cir. 1976) Moreover. the corporate Defendants'

Motion to Dismiss in that case was based upon a claim that Plaintiff's causes of action were barred by applicable statutes of limitations, the same claim made by Defendant in the instant case regarding the same allegations by Plaintiff Leal. Plaintiff may not engaga in a year-long forum shopping expedition throughout the Southern District.

For the foregoing reasons, the Court ORDERS that Plaintiff's Complaint be DISMISSED.

SIGNED and ENTERRED this 20th of November, 2001.

JANIS GRAHAM JACK
UNITED STATES DISTRICT JUDGE

I PETITIONER'S RESPONSE TO THE DISTRICT'S COURT'S ORDER FOR DISMISSAL OF CASE

The allegation by the district judge is not founded on facts, and her zeal to dismiss the suit shows her prejudice towards the petitioner. It needs to be understood that this judge had never taken any participation in any of the court proceedings, nor had she ever called for a hearing and/or conference with the plaintiff to familiarize herself with the issues at hand.

Her allegations in the dismissal order are not true. Said allegations are nonsense, a foolish assumption, an intentional untruth to circumvent the rights of the plaintiff.

The present cause is based on the interests of the late Mrs. Mauricia B. Leal, and such suit had never been filed in any court of the land prior to the filing of the present suit. *Previously, the defendant did make a settlement in the form of a substantial bribe to the counsel for the class action court action herein mentioned mentioned by the judge, in which case was dismissed by a district judge who had a conflict of interest, and who was directly profitting from the defendant's partition*

action of the lands at issue.

No judicial processing was ever taken on that suit, since judge Hinojosa took pains to kill the suit. The pretending that that court processed the case was for sake of the res judicata argument, that is, to deny the Constitutional process by the injured party. That mentioned case never had anything to do with Mrs. Mauricia B. Leal, and in fact, it was the scheme of the interested parties who were profitting from the partition, who utilized the counsel for the plaintiffs to have them take a court action in an effort to later obtain a quiet title to the lands at issue. Judge Hinojosa was part of that conspiracy. The said judge docketted the case, had the counsels for the plaintiffs bribed, and then , threw out the case. The thus mentioned is a criminal conspiracy in itself.

No judicial process was ever exercised in the case, and the judge never granted the motion for specific findings to ascertain for the purpose to appeal. Maybe things are done in this manner in the courts of Mexico, but in the United States of America, it is unconstitutional and unlawful, and sanctions and impeachment may be warranted.

Literally, that case never went to court. To make such an irresponsible claim is unamerican, and violates the

United States Constitution; on due process, and equal protection of the laws. the name of Mrs. Mauricia B. Leal never appeared in the caption of the mentioned suit, and to compare her claims in the instant suit to that suit is a fraud.

The whole crux of this court action, rests on the conduct of the district judge, who irresponsibly took an action, disregarding ethical conduct guidelines, and without any intelligible reasoning, committed the grievious ERROR of granting the untimely dismissal of the suit. The court became aware that the preponderance of the evidence was against the defendant, so based on the element of misconduct, the judge committed an unintelligible act after it had been reached by the defendant, and threw the suit out to protect the defendant from a jury verdict.

The district judge claims it cannot understand the claims of the petitioner, yet with scissor sharp precision, she tears through the suit. Her reasoning is what is unintelligible.

THE PETITIONER, recognizing that each appeal presented to the Supreme Court of the land, has its unique characteristics, and assuming that each Justice of the said Court has a moral and a spiritual love and

obligation to protect and defend the United States Constitution, its treaties,and the rights of its citizens, out of necessity, herein responds to the aforementioned order.

1. The district judge had never taken an active role in the processing of the court action, prior to her untimely dismissal. The said judge had ample time and opportunity to call for a hearing, and/or conference, to inquire of the mentioned case in which she brings into the scenario the case in the district court of judge Hinojosa. The now petitioner had a constitutional right to defend himself against the unfounded allegations that the instant case was the same as the prior case.

2. The said judge had an obligation to investigate the ex-parte information from the defendant, as to the alledged res judicata, wherein it would have been brought to light as an established fact, that no effective judicial processing of the prior cause ever occurred, because of the unethical conduct of the district judge's conflict of interest, and the business dealings between judge and defendant, as pertaining to the lands at issue. It also would have been revealed, that the then defendant paid an enormous bribe to the plaintiff's counsel, so that the case would not be appeal. *This established facts show that the now petitioner has a constitutional right to file this separate and different court action, based on*

the rights and claims of the late Mrs. Mauricia B. Leal. The petitioner never attempted to hide from the prior suit, which did not contain the claims of the petitioner's mother, and even such, based on the criminal conspiracy of the McAllen judge, and the defendant's Attorneys, and the bribed counsel for the plaintiff, the petitioner now has the guarantees of the United States Constitution and the involved treaties, to finally come before the Superior Court of the land, and ask the Honorable Court for justice in this matter.

3. The parties who claim ownership of the disputed lands are now identified as (Mexican Americans) and their claims are based on the Sun Oil financed court partitioning of said lands, and the said judge Hinojosa is part of that party. It would have constituted a monetary loss for said judge to strike down the unconstitutional partition order, for reasons stated. It is an established fact, that a common hatred and jealosy exists between the Mexican Americans who came from Mexico, towards the native born Spanish American citizen who owns the inheritance rights to the lands herein mentioned.

4. A realistic manner to describe the treatment which the now petitioner endured in the courts for the Southern District, Corpus Christi Division, was that though the suit

was scheduled for trial, it became a practice of the judges to toy with the plaintiff, and bounce him from court to court, and to attempt to intimidate the plaintiff with threats of sanctions, so that the plaintiff would abandon the case. The defendant defaulted in the answering the complaint within the twenty day period, as specified by the Federal Rules of Civil Procedure, yet the court ignored the request and entry for default in favor of the plaintiff. Instead, it attempted to terrorize the plaintiff into abandoning the suit. The whole matter was a criminal conspiracy against the plaintiff.

The court warrants sanctions for their unethical misconduct.

Respectfully Submitted,

Leopoldo Leal

Leopoldo Leal
Petitioner

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